

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TRAVIS BERDETTE STRICKLAND, :

Plaintiff, :

v. :

**KCG, INC., DBA REW MATERIALS
and TIMOTHY WILKERSON, :**

Defendants. :

CIVIL ACTION NO.

NOTICE OF REMOVAL

COME NOW all Defendants and hereby give notice of their removal of Case Number 21-C-04236-S4 from the State Court of Gwinnett County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, and respectfully show the Court the following:

1.

KCG, Inc., d/b/a Rew Materials and Timothy Wilkerson (hereafter “Defendants”) are the defendants in a civil action brought in the State Court of Gwinnett County, Georgia, titled Travis Berdette Strickland vs. KCG, Inc., dba Rew Materials and Timothy Wilkerson; Civil Action File No. 21-C-04236-S4.

Attached hereto are the Complaint, General Civil Filing Information Form, Summons, Affidavit of Service on KCG, Inc. d/b/a Rew Materials and Affidavit of Service on Timothy Wilkerson on which constitute all process, pleadings, and orders filed in such action.

2.

Plaintiff filed his Complaint against Defendants on June 8, 2021 in the State Court of Gwinnett County. All Defendants have joined in the removal of this action and they have removed this action within 30 days of the Answer due date for the last served Defendant. Defendants reserve all defenses concerning service of process.

3.

Plaintiff Travis Berdette Strickland is a citizen of the State of Georgia and resides in this state (Complaint at ¶ 1). Upon information and belief, Travis Berdette Strickland is a Georgia citizen, domicile, and resident.

4.

Defendant KCG, Inc. d/b/a Rew Materials is a foreign corporation organized under the state law of Kansas with its principal place of business in Kansas. Accordingly, KCG, Inc. d/b/a Rew Materials is not a Georgia citizen, domicile, or resident.

5.

Defendant Timothy Wilkerson is an individual who resides in the County of Russell, State of Alabama. Accordingly, Timothy Wilkerson is a citizen, domicile, and resident of Alabama and is not a Georgia citizen, domicile, or resident.

6.

The Complaint asserts claims of negligence, imputed liability, negligent hiring, training and supervision, respondeat superior, damages, pain and suffering, medical expenses, general damages, past, present, and future medical, hospital, lost wages, out of pocket expenses and other items of special damages, punitive damages, attorney's fees and expenses of litigation. (Complaint at Counts I to V and Wherefore clause).

7.

Plaintiff is seeking special damages in excess of \$345,531.91. (Complaint at ¶ 30).

8.

This Court has jurisdiction over this action pursuant to §1332 of Title 28 of the United States Code because there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs. This action may therefore be removed under 28 U.S.C. §

1441. Defendants reserve the right to contest whether jurisdiction and venue are proper in Georgia.

9.

Pursuant to 28 U.S.C. §§ 1441 and 1446, removal of the state court action to this Court is appropriate.

10.

Pursuant to 28 U.S.C. § 1446(d), Defendants are serving a copy of this Notice of Removal on Plaintiff and are filing it with the State Court of Gwinnett County, Georgia.

11.

Defendants reserve the right to amend or supplement this Notice of Removal.

12.

This Notice of Removal will not waive any defenses that Defendants may have to Plaintiff's Complaint.

WHEREFORE, Defendants pray that this Notice of Removal be filed and that said action be removed to and proceed in this Court and that no further proceedings be had in the State Court of Gwinnett County, Georgia.

Respectfully submitted, this 15th day of July, 2021.

HAWKINS PARNELL & YOUNG, LLP

/s/ Michael J. Goldman

Michael J. Goldman

Georgia Bar No.: 300100

Bryan M. Grantham

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Attorneys for Defendants

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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that he has prepared the within and foregoing document in accordance with LR 5.1, NDGa., and LR 7.1(D), NDGa. Specifically, counsel certifies that he has used 14 point Times New Roman as the font in this document.

Respectfully submitted, this 15th day of July, 2021.

HAWKINS PARNELL & YOUNG, LLP

/s/ Michael J. Goldman

Michael J. Goldman

Georgia Bar No.: 300100

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the within and foregoing pleading was filed with the Clerk of Court using the CM/ECF system, which will send notification to all parties of record as follows:

Michael C. Jones, Esq.
MICHAEL C. JONES & ASSOCIATES, LLC
1827 Powers Ferry Road, Bldg. 11, Suite 200
Atlanta, GA 30339
Attorneys for Plaintiff

This 15th day of July, 2021.

HAWKINS PARNELL & YOUNG, LLP

/s/ Michael J. Goldman

Michael J. Goldman
Georgia Bar No.: 300100
Attorneys for Defendants